

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

ELIZABETH SINES et al.,  
Plaintiffs,

V.

JASON KESSLER et al.,  
Defendants.

Civil Action No. 3:17-cv-00072

ORDER

By: Joel C. Hoppe  
United States Magistrate Judge

This matter is before the Court on Plaintiffs’ motion to depose non-party witness Benjamin Daley. ECF No. 860. Mr. Daley is confined in the Federal Correctional Institution at Sheridan, Oregon. A party must obtain the court’s leave, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2) of the Federal Civil Rules of Civil Procedure, if the deponent is confined in prison. Fed. R. Civ. P. 30(a)(2)(B). Plaintiffs have not yet had the opportunity to depose Mr. Daley by oral questions, and they are entitled to do so under Rule 26(b)(1). Accordingly, Plaintiffs’ motion, ECF No. 860, is **GRANTED**.

It is so ORDERED.

ENTER: September 11, 2020

Paul C. Hoyer

Joel C. Hoppe  
U.S. Magistrate Judge